

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

-----X
:
COMPASS-CHARLOTTE 1031, LLC, :

Plaintiff, :

v. :

Case No. 24-cv-00055 (MAD/CJH)

PRIME CAPITAL VENTURES, LLC :
BERONE CAPITAL FUND, LP, :
BERONE CAPITAL PARTNERS LLC, :
BERONE CAPITAL LLC, :
BERONE CAPITAL EQUITY FUND I, LP, :
and 405 MOTORSPORTS LLC f/k/a Berone :
Capital Equity Partners LLC, :

Defendants. :
-----X

**ORDER TO SHOW CAUSE TO SHORTEN TIME AND
SET BRIEFING SCHEDULE ON MOTION TO STAY**

Upon the Declaration of Pieter Van Tol, dated January 29, 2024 (the “Van Tol Declaration”) and the exhibits thereto, and the accompanying memorandum of law filed on January 29, 2024 by Defendant Prime Capital Ventures, LLC (“Prime Capital”) in support of its emergency motion (the “Emergency Motion”), pursuant to Local Rule 7.1(e) and Fed. R. Civ. P. 62(c), for an order (1) staying, pending appeal, the Court’s Order dated January 24, 2024 appointing a receiver (the “January 24 Order”); and (2) shortening the time on the Emergency Motion by ordering Plaintiff Compass-Charlotte 1031, LLC (“Plaintiff”) to submit papers in opposition, and Prime Capital having complied with Local Rule 7.1(e) through the submission of the Van Tol Declaration, and good cause having been shown for the relief granted herein, it is hereby:

ORDERED that Plaintiff show cause why an Order should not be entered granting a stay of the January 24 Order pending the determination of Prime Capital's appeal; and

IT IS FURTHER ORDERED that, sufficient reason and good cause having been shown therefor, service of a copy of this Order to Show Cause, and the supporting papers filed by Prime Capital, upon counsel for Compass by email and by filing on PACER and upon the other Defendants by e-mail to Fabian Stone (stone@beronecapital.com) and Jeremiah Beguesse (jeremiah@beronecapital.com), with a copy to John F. Harwick, Esq. (jharwick@joneshacker.com) and Thomas J. Higgs, Esq. (thiggs@joneshacker.com) and by overnight courier to A Registered Agent, Inc., 8 The Green – Suite A, Dover, Delaware 19901 and Sunshine Corporate Filings LLC, 7901 4th Street, N. – Suite 300, St. Petersburg, Florida, 33702 on or before _____, shall be deemed good and sufficient service thereof; and

IT IS FURTHERED ORDERED that Compass shall deliver any opposing papers in response to the Order to Show Cause no later than _____. Service shall be made by delivering the papers by email to Prime Capital's counsel and by filing on PACER. Prime Capital shall have until _____ to serve any reply papers upon counsel for Compass and the other Defendants by any form of service authorized in the preceding paragraph.

IT IS SO ORDERED.

DATED: _____

UNITED STATES DISTRICT JUDGE